



"Express Mail" Label No. EV 338 443 735
Date of Deposit March 22, 2004

Mail Stop: Petitions
Commissioner for Patents / Director of OIPE
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT
Docket No.: 021737-001410US

RECEIVED

MAR 25 2004

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James R. Shay et al.

Application No.: 09/997,311

Filed: November 27, 2001

For: Computer Implemented Method for
Controlling Document Edits

Examiner: Unassigned

Art Unit: 2176

**PETITION REQUESTING
WITHDRAWAL OF HOLDING OF
ABANDONMENT UNDER 37 CFR
1.181(a)**

Mail Stop: Petitions

Commissioner for Patents / Director of Office of Initial Patent Examination
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Pursuant to 37 CFR 1.181(a), Applicants hereby request that the holding of abandonment be withdrawn for the above-referenced application.

A Notice of Abandonment dated January 22, 2004 was received for the above-referenced application. A copy of the Notice of Abandonment is attached as **Exhibit A**. The Notice of Abandonment states that:

"the above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/09/2002--No reply was received."

A Notice to File Missing Parts was mailed by the USPTO on December 19, 2001, rather than on May 9, 2002. A copy of the Notice to File Missing Parts dated December 19, 2001 is attached as **Exhibit B**. The Notice to File Missing Parts requested

(a) statutory filing fee; (b) signed oath or declaration; (c) late filing fee; and (d) additional claim fees.

Applicants submit that a proper and timely Reply to the Notice to File Missing Parts (the "Reply") was facsimile-filed by the Applicants on March 19, 2002. A copy of the Reply as filed is attached as **Exhibit C**. The Reply was faxed to U. S. Patent Office RIGHT FAX Fax #. 703-746-7240 (the Fax # for group art unit 2100 of the application), Attention: Customer Service, Initial Patent Examination, Group Art Unit 2176.

As is evident from **Exhibit C**, the Reply included: (a) a Fee Transmittal providing authorization for charging Deposit Account 20-1430 for the statutory filing fee, the late filing fee, additional claim fees, or any other required fees; (b) a signed Declaration, (c) and Power of Attorney; (d) a petition for 1-month extension; (e) a copy of the Notice to File Missing Parts and; (f) Statement Under 3.73(b) with attached copy of Assignment. Applicants thus submit that the Reply was a proper reply.

The Reply was filed on March 19, 2002 with a petition for a 1-month extension of time. Accordingly, Applicants submit that the Reply was filed in a timely manner.

The Transmittal Form (SB/21) accompanying the Reply (included in **Exhibit C**) comprises a signed Certificate of Mailing certifying that the Reply was filed on March 19, 2002. **Exhibit C** also includes a fax cover sheet accompanying the Reply which also indicates that the Reply was filed on March 19, 2002.

Further, a confirmation (a RIGHT FAX confirmation) was received from the U. S. Patent Office confirming receipt of the Reply and accompanying documents by the U.S. Patent Office on March 19, 2002. A copy of the RIGHT FAX confirmation is attached as **Exhibit D**.

Applicants submit that **Exhibits C and D** unequivocally indicate that a proper and timely Reply to the Notice to File Missing Parts dated December 19, 2001 was filed by Applicants on March 19, 2002.

In light of the above, Applicants submit that the Notice of Abandonment dated January 22, 2004 has been received in error for the above-referenced application. Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn and the application be returned to pending status.

Applicants fax-filed a Communication on February 11, 2004 to Ms. Delora Dillard, Supervisor of Office of Initial Patent Examination, to resolve this matter. However, Applicants have not received any correspondence from the U.S. Patent Office to date indicating that the Notice of Abandonment has been withdrawn. Accordingly, this petition is being filed to resolve the matter.

Applicants believe that no fee is required for this petition per MPEP 711.03(c), Section I. However, if any fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Chad R. Walsh
Reg. No. 43,235

TOWNSEND and TOWNSEND and CREW LLP
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CRW:cmm
60171163 v1

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR PRIORITY DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO /TITLE
09/997,311	11/27/2001	James R. Shay	020313-001410US

CONFIRMATION NO. 3014

**ABANDONMENT/TERMINATION
 LETTER**



OC000000011736311

20350
 TOWNSEND AND TOWNSEND AND CREW, LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

Date Mailed: 01/22/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/09/2002.

- No reply was received.

1.181 MPEP

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

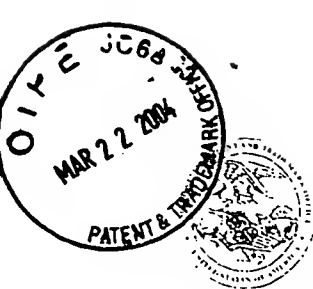
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Exhibit B



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20535
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/997,311	11/27/2001	James R. Shay	020313-001410US

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 3014

FORMALITIES LETTER



OC00000007211541

RECEIVED

MAR 25 2004

OFFICE OF PETITIONS

Date Mailed: 12/19/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$78.
 - \$36 for 4 total claims over 20.
 - \$42 for 1 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 513.

*A copy of this notice **MUST** be returned with the reply.*

A.T.
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

Exhibit C